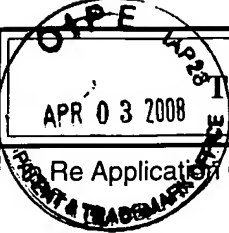


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	<b>TRANSMITTAL OF APPEAL BRIEF (Large Entity)</b>	Docket No. <b>ITL.0308C1US</b>
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Re Application Of: **Edward R. Rhoads, et al.**

Application No. <b>10/803,320</b>	Filing Date <b>March 18, 2004</b>	Examiner <b>Susan F. Rayyan</b>	Customer No. <b>47795</b>	Group Art Unit <b>2167</b>	Confirmation No. <b>5772</b>
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Invention: **Accessing File Data Stored in Non-Volatile Re-Programmable Semiconductor Memories**

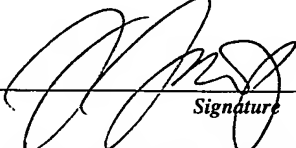
COMMISSIONER FOR PATENTS:

Transmitted herewith is the Appeal Brief in this application, with respect to the Notice of Appeal filed on:  
**February 22, 2008**

The fee for filing this Appeal Brief is: **\$510.00**

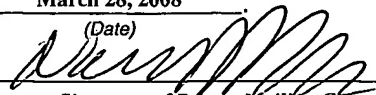
- ☒ A check in the amount of the fee is enclosed.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **2901594**. I have enclosed a duplicate copy of this sheet.
- ☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

  
*Signature*

**Timothy N. Trop, Reg. No. 28,994**  
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**713/468-8883 [Fax]**

Dated: **March 28, 2008**

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<i>(Date)</i>  <i>Signature of Person Mailing Correspondence</i>	
<b>Nancy Meshkoff</b> <i>Typed or Printed Name of Person Mailing Correspondence</i>	

cc:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

Edward R. Rhoads et al.

Serial No.: 10/803,320

Filed: March 18, 2004

For: Accessing File Data Stored in  
Non-Volatile Re-Programmable  
Semiconductor Memories

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Art Unit: 2167

Examiner: Susan F. Rayyan

Atty Docket: ITL.0308C1US  
P7989C

Assignee: Intel Corporation

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**APPEAL BRIEF**

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Nancy Meshkoff

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### **REAL PARTY IN INTEREST**

The real party in interest is the assignee Intel Corporation.

**RELATED APPEALS AND INTERFERENCES**

None.

### **STATUS OF CLAIMS**

Claims 1-39 (Canceled).

Claims 40-42 (Rejected).

Claim 43 (Canceled).

Claims 44-50 (Rejected).

Claims 40-42 and 44-50 are rejected and claims 40 and 46 are the subject of this Appeal Brief.

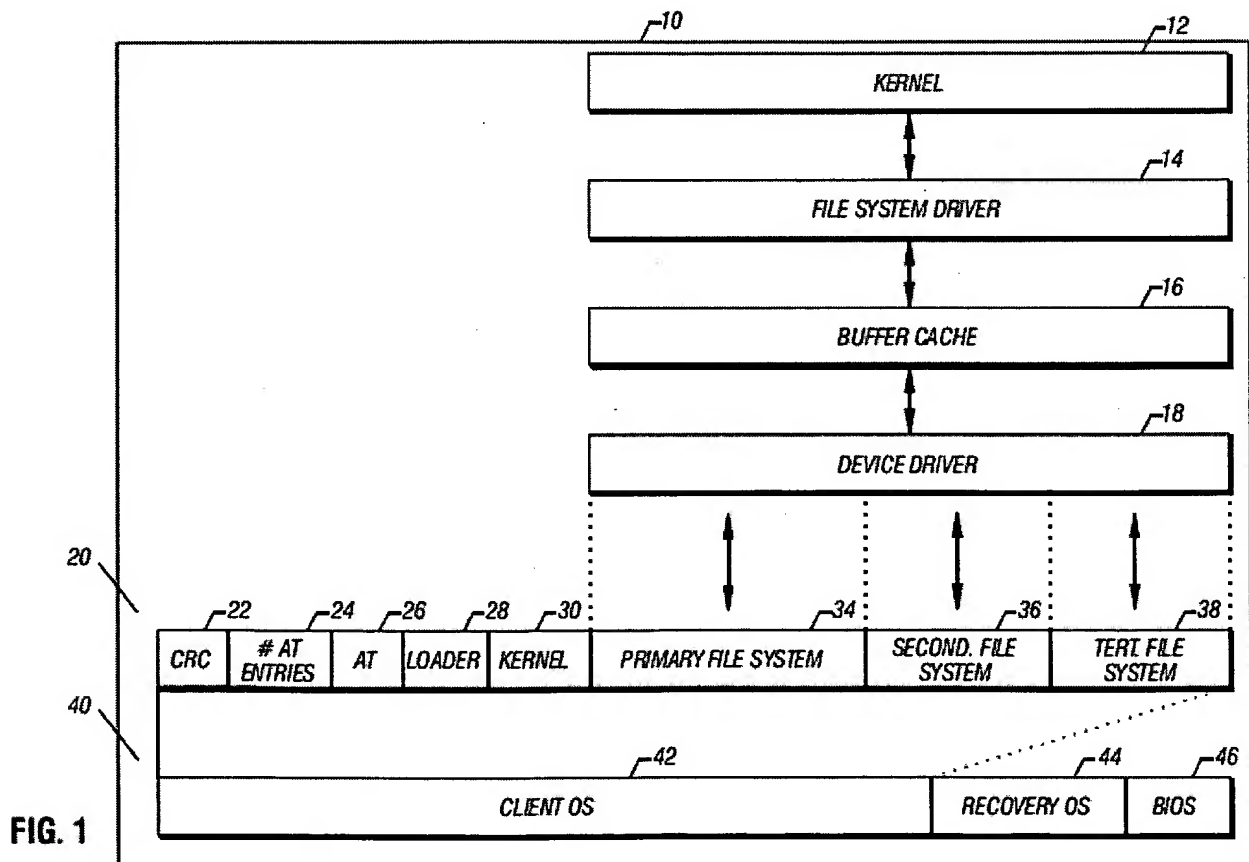
### **STATUS OF AMENDMENTS**

No amendments were made in response to the Final Rejection. All amendments have therefore been entered.

## SUMMARY OF CLAIMED SUBJECT MATTER

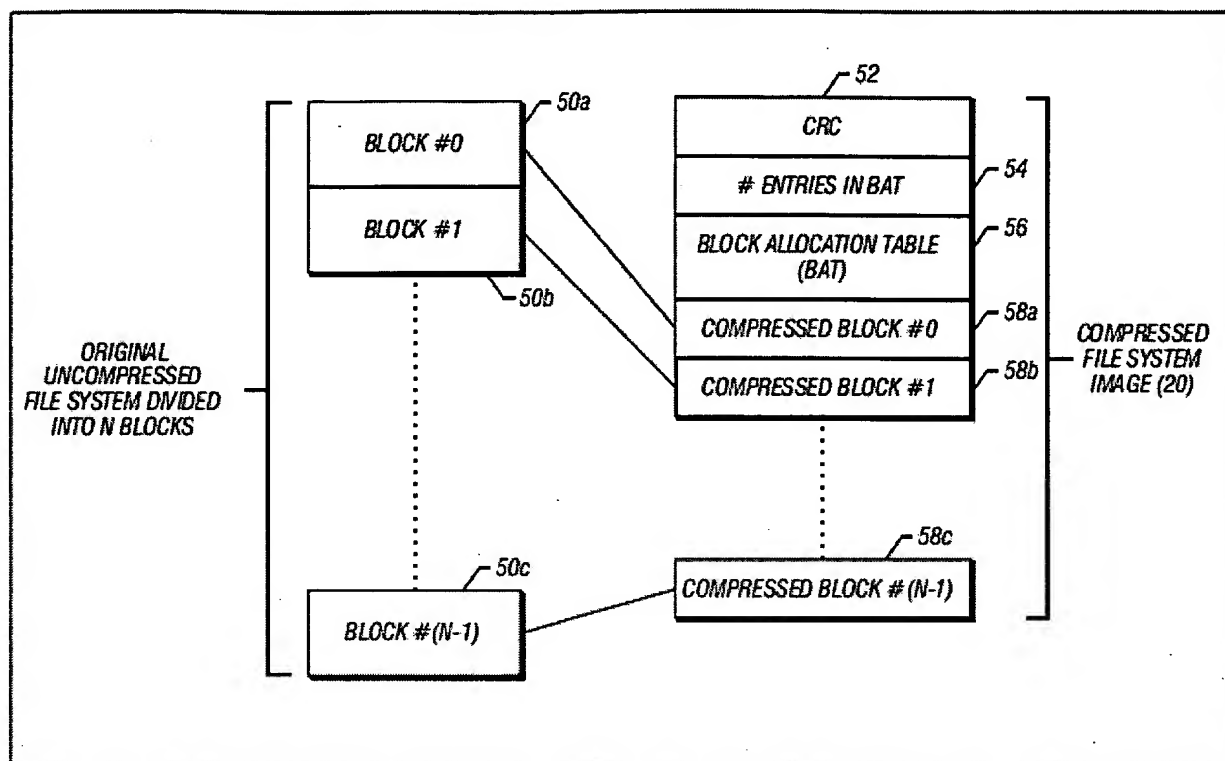
In the following discussion, the independent claims are read on one of many possible embodiments without limiting the claims:

40. A system comprising:  
a processor (Fig. 4, 88); and  
a flash memory (Fig. 4, 40) coupled to said processor, said flash memory to store a primary operating system (Fig. 1, 42), a backup operating system (Fig. 1, 44) for use when the primary operating system fails or needs updating, compressed file data (Fig. 1, 34), and information (Fig. 3, 56) for use in locating said file data in said flash memory (Spec. at p. 4, lines 7-9; p. 6, lines 8-16).





46. The system of claim 41 wherein said flash memory stores an allocation table (Fig. 3, 54, 56) to indicate the length of entries stored in said flash memory and the number of entries in said allocation table (Spec. at p. 5, line 7-p. 6, line 7).



**FIG. 3**

At this point, no issue has been raised that would suggest that the words in the claims have any meaning other than their ordinary meanings. Nothing in this section should be taken as an indication that any claim term has a meaning other than its ordinary meaning.

**GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

- A. Whether claim 40 is unpatentable under 35 U.S.C. § 103(a) over Miller (US 5,490,260) in view of Garner (US 5,337,275) in view of Denninghoff (US 6,754,855).**
  
- B. Whether claim 46 is unpatentable under 35 U.S.C. § 103(a) over Miller (US 5,490,260) in view of Garner (US 5,337,275) in view of Denninghoff (US 6,754,855) and further in view of Jha (US 6,407,949).**

## **ARGUMENT**

**A. Is claim 40 unpatentable under 35 U.S.C. § 103(a) over Miller (US 5,490,260) in view of Garner (US 5,337,275) in view of Denninghoff (US 6,754,855)?**

Claim 40 calls for a system with a flash memory to store a primary operating system, a backup operating system for use when the primary operating system fails or needs updating, compressed file data, and information for use in locating said file data in said flash memory. The fact that other types of memory other than flash memories might hold one or more of the components set forth in the second paragraph of claim 40 is of no moment. Nothing suggests that all these components could be nontraditionally stored within a flash memory. For example, the fact that system memory might include one of the claimed components does not teach any reason to put the component in flash memory since system memory is traditionally formed of DRAM.

Therefore the rejection of claim 40 should be reversed.

**B. Is claim 46 unpatentable under 35 U.S.C. § 103(a) over Miller (US 5,490,260) in view of Garner (US 5,337,275) in view of Denninghoff (US 6,754,855) and further in view of Jha (US 6,407,949)?**

Dependent claim 46 calls for the flash memory storing an allocation table to indicate the length of the entry stored in the flash memory and the number of entries in the allocation table. However, nothing in any of the cited references suggests any reason to put an allocation table in flash memory. Moreover, no one suggests using the allocation table in another memory that also includes the memory array.

For example, the cited reference to Garner plainly teaches (in the material relied upon) the use of a separate memory to store the FAT or file allocation table. Specifically, as explained in column 6, lines 62-65, the position of the sectors is stored with a logical sector number in a lookup table 70 which is preferably held in random access memory 16. According to Figure 1, it can be seen on random access memory 16 is separate from the memory chips 11. *See* column 4, lines 60-75.

Thus, whatever information is relied upon in column 7 with respect to the rejection of claim 46, does not teach storing such length information in an allocation table in the same memory. Instead, the address information that is stored in the same memory is exclusively set

forth at column 6, lines 1-10. None of that information includes any length information or any information about the number of entries in an allocation table.


Therefore, the rejection of claim 46 should be reversed.

\* \* \*

Applicant respectfully requests that each of the final rejections be reversed and that the claims subject to this Appeal be allowed to issue.

Respectfully submitted,

Date: March 28, 2008

  
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## **CLAIMS APPENDIX**

The claims on appeal are:

40. A system comprising:  
a processor; and  
a flash memory coupled to said processor, said flash memory to store a primary operating system, a backup operating system for use when the primary operating system fails or needs updating, compressed file data, and information for use in locating said file data in said flash memory.
41. The system of claim 40, wherein the system is a cellular telephone.
46. The system of claim 41 wherein said flash memory stores an allocation table to indicate the length of entries stored in said flash memory and the number of entries in said allocation table.

## **EVIDENCE APPENDIX**

None.

**RELATED PROCEEDINGS APPENDIX**

None.